IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY KOZLOWSKI,) No. C 13-1340 LHK (PR)
Petitioner, v.	ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION TO MOTION TO
WARDEN FRED FOULK,	DISMISS; DENYING MOTION FOREXTENSION OF TIME TO FILEOPPOSITION TO REPLY
Respondent.)))
)) (Docket Nos. 15 & 18)

Petitioner, a state prisoner proceeding *pro se*, filed a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court issued an order to show cause. (Docket No. 4.) On October 24, 2013, respondent filed a motion to dismiss. (Docket No. 14.) On January 16, 2014, petitioner filed an untimely motion for extension of time to file an opposition.¹ (Docket No. 15.) On February 12, 2014, petitioner filed an opposition. (Docket No. 16.) On February 25, 2014, respondent filed a reply to petitioner's opposition. (Docket No. 17.)

Petitioner has filed a motion for an extension of time to file an opposition to respondent's reply because of his inadequate access to the prison's law library. (Docket No. 18.) It is within the court's discretion to allow additional papers to be filed after a reply brief has been filed. *See* L.R. 7-4. Here, petitioner fails to demonstrate a necessity for an opposition to respondent's

¹ Petitioner's motion for an extension of time to file an opposition is **GRANTED**. (Docket No. 15.) The opposition, filed February 12, 2014, is deemed timely filed.

Order Grant'g Mot. for Ext. of Time to File Opp. to MTD; Deny'g Mot. for Ext. of Time to File Opp. to Reply $P:\PRO-SE\LHK\HC.13\Kozlowski340denyeot-reply.wpd$

Case 3:13-cv-01340-JD Document 19 Filed 03/28/14 Page 2 of 2

reply. Accordingly, petitioner's motion is **DENIED**. Respondent's motion to dismiss is deemed submitted to the court for decision as of February 25, 2014, the date respondent filed a reply. This order terminates docket numbers 15 and 18. IT IS SO ORDERED. Jucy H. Koh DATED: <u>3/26/</u>14 United States District Judge

Order Grant'g Mot. for Ext. of Time to File Opp. to MTD; Deny'g Mot. for Ext. of Time to File Opp. to Reply

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